

**VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM  
GENERAL PERMIT REGISTRATION STATEMENT  
FOR TOTAL NITROGEN AND TOTAL PHOSPHORUS DISCHARGES AND NUTRIENT TRADING  
IN THE CHESAPEAKE WATERSHED IN VIRGINIA**

**1. APPLICANT INFORMATION**

A. Name of Facility: \_\_\_\_\_

B. Facility Owner: \_\_\_\_\_

C. Owner's Mailing Address

a. Street or P.O. Box \_\_\_\_\_

b. City or Town \_\_\_\_\_ c. State \_\_\_\_\_ d. Zip Code \_\_\_\_\_

e. Phone Number \_\_\_\_\_ f. Fax Number \_\_\_\_\_

g. E-mail address \_\_\_\_\_

D. Facility Location: \_\_\_\_\_

Street No., Route No., or Other Identifier

County

E. Is the operator of the facility also the owner?  Yes  No

If No, complete F. & G.

F. Name of Operator: \_\_\_\_\_

G. Operator's Mailing Address

a. Street or P.O. Box \_\_\_\_\_

b. City or Town \_\_\_\_\_ c. State \_\_\_\_\_ d. Zip Code \_\_\_\_\_

e. Phone Number \_\_\_\_\_ f. Fax Number \_\_\_\_\_

g. E-mail address \_\_\_\_\_

**2. FACILITY INFORMATION**

Does this facility currently have a VPDES permit?  Yes  No

If no, has a permit been applied for?  Yes  No

If yes to either of the above questions, provide permit number. \_\_\_\_\_

3. **AGGREGATED DISCHARGES**

If the owner or operator listed above desires to aggregate the facility's mass load limits for total nitrogen and total phosphorus with other permitted facilities under common ownership or operation in the same tributary, list all affected facilities and the VPDES permit numbers assigned to these facilities.

<u>Facility Name</u>	<u>VPDES permit number</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

4. **TRANSFER OF ALLOCATION TO OR FROM ANOTHER FACILITY**

If the owner or operator listed above proposes the exchange of an allocation for total nitrogen or total phosphorus with other permitted facilities, list all affected facilities, the VPDES permit numbers assigned to these facilities, the delivered pounds of total nitrogen or total phosphorus proposed for exchange and the calendar years for which the exchange will be in effect.

<u>Facility</u>	<u>VPDES#</u>	<u>N/P</u>	<u>Delivered pounds</u>	<u>Acquired/transferred?</u>	<u>Calendar years?</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Attach a copy of the applicable contract documentation related to the execution of these allocations.

5. **REQUIRED ATTACHMENT FOR NEW AND EXPANDED FACILITIES**

Plan to offset new or increased delivered total nitrogen and delivered total phosphorus loads for a minimum of 5 years.

6. **CERTIFICATION:**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Name of person(s) signing above: \_\_\_\_\_  
(printed or typed)

Title(s): \_\_\_\_\_

**For Department Use Only:**

Accepted/Not Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

**INSTRUCTIONS FOR COMPLETING THE REGISTRATION STATEMENT  
FOR  
THE GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM  
PERMIT FOR TOTAL NITROGEN AND TOTAL PHOSPHORUS DISCHARGES AND NUTRIENT  
TRADING IN THE CHESAPEAKE WATERSHED IN VIRGINIA**

**WHO MUST FILE THE REGISTRATION STATEMENT**

The following owners or operators are required to register for coverage under this general permit:

1. Every owner or operator of an existing facility authorized by a Virginia Pollutant Discharge Elimination System permit to discharge 100,000 gallons or more per day from a sewage treatment work, or an equivalent load from an industrial facility, directly into tidal waters, or 500,000 gallons or more per day from a sewage treatment work, or an equivalent load from an industrial facility, directly into nontidal waters, shall submit a registration statement to the Department by November 1, 2011.
2. Any owner or operator of a facility authorized by a Virginia Pollutant Discharge Elimination System permit to discharge 40,000 gallons or more per day from a sewage treatment work, or an equivalent load from an industrial facility, directly into tidal or nontidal waters shall submit a registration statement with the Department at the time he makes application with the Department for a new discharge or expansion that is subject to an offset requirement in Part II of this general permit or a technology-based requirement in 9 VAC 25-40-70 and thereafter upon the reissuance of this general permit in accordance with Part III.B
3. Any owner or operator of a facility treating domestic sewage authorized by a Virginia Pollutant Discharge Elimination System permit with a discharge greater than 1,000 gallons per day up to and including 39,999 gallons per day that has not commenced the discharge of pollutants prior to January 1, 2011, shall submit a registration statement with the Department at the time he makes application for an individual permit with the Department or prior to commencing a discharge, whichever occurs first, and thereafter upon the reissuance of this general permit in accordance with Part III.B.

**WHERE TO FILE THE REGISTRATION STATEMENT**

The completed registration statement should be sent to the Department of Environmental Quality, Office of Water Permits and Compliance Assistance, P.O. Box 1105, Richmond, Virginia 23218.

**COMPLETENESS**

Complete all items except where indicated, or enter NA for "not applicable" in order for your registration statement to be accepted. If you need more space than the form allows, write on and attach extra sheets of paper.

**DEFINITIONS**

**"Delivered total nitrogen load"** means the discharged mass load of total nitrogen from a point source that is adjusted by the delivery factor for that point source.

**"Delivered total phosphorus load"** means the discharged mass load of total phosphorus from a point source that is adjusted by the delivery factor for that point source.

**"Equivalent load"** means:

2,300 pounds per year of total nitrogen or 300 pounds per year of total phosphorus discharged by an industrial facility are considered equivalent to the load discharged from sewage treatment works with a design capacity of 0.04 million gallons per day;

5,700 pounds per year of total nitrogen or 760 pounds per year of total phosphorus discharged by an industrial facility are considered equivalent to the load discharged from sewage treatment works with a design capacity of 0.1 million gallons per day, and

28,500 pounds per year of total nitrogen or 3,800 pounds per year of total phosphorus discharged by an industrial facility are considered equivalent to the load discharged from sewage treatment works with a design capacity of 0.5 million gallons per day.

**"Existing facility"** means a facility holding a current individual VPDES permit that has either commenced discharge from, or has received a Certificate to Construct (for sewage treatment works, or equivalent DEQ approval for discharges from industrial facilities), the treatment works used to derive its waste load allocation on or before July 1, 2005, or has a wasteload allocation listed in Subsection C of Sections 50, 60, 70, 110 and 120 of the Water Quality Management Planning Regulation (9 VAC 25-720).

**"Expansion" or "expands"** means (i) initiating construction at an existing treatment works after July 1, 2005, to increase design flow capacity, except that the term does not apply in those cases where a Certificate to Construct (for sewage treatment works, or equivalent DEQ approval for discharges from industrial facilities) was issued on or before July 1, 2005 or (ii) industrial production process changes or the use of new treatment products at industrial facilities that increase the annual mass load of total nitrogen or total phosphorus above the waste load allocation.

**"Facility"** means a point source discharging or proposing to discharge total nitrogen or total phosphorus to the Chesapeake Bay or its tributaries. This term does not include confined animal feeding operations, discharges of storm water, return flows from irrigated agriculture, or vessels.

**"New discharge"** means any discharge from a facility that did not commence the discharge of pollutants prior to July 1, 2005, except that the term does not apply in those cases where a Certificate to Construct (for sewage treatment works, or equivalent DEQ approval for discharges from industrial facilities) was issued to the facility on or before July 1, 2005.

**LINE BY LINE INSTRUCTIONS**

**Item 1. APPLICANT INFORMATION**

Item A: Provide the name of the facility associated with the discharge(s).

Item B: Provide the name of the person or corporation that owns the business. This does not have to be the owner of the facility (e.g., if it is leased) but should be who is responsible for the regulated activity and wants coverage under the general permit.

Item C: Provide the mailing address, phone number, fax number and e-mail address of the above person.

Item D: Indicate here the physical location of the facility if it can't be located from the mailing address.

Item E: If someone other than the owner listed in item B runs the facility and is the person with whom business will be conducted, check **No**. Otherwise check **Yes**.

Item F. If **No** was checked above, indicate the name of the person other than the owner who operates the facility.

Item G. Provide the address, phone number, fax number and e-mail address of the person other than the owner here.

## **Item 2: FACILITY INFORMATION**

Provide permit number for all valid VPDES permits held by the facility. **Please note that facilities without a valid VPDES permit are ineligible for coverage under this general permit. If this registration statement is being submitted in conjunction with application for a new or expanded discharge, please note that coverage under the general permit will generally be provided at the time the individual VPDES permit is issued, modified or reissued.**

## **Item 3: AGGREGATED DISCHARGES**

An owner or operator of two or more facilities, covered by this general permit and located in the same tributary may apply for and receive an aggregated mass load limit for delivered total nitrogen and an aggregated mass load limit for delivered total phosphorus reflecting the total of the water quality-based total nitrogen and total phosphorus waste load allocations or permitted design capacities established for such facilities individually. List the facilities (and their permit numbers) that are proposed for an aggregated mass load limit. **Note that the aggregation of mass load limits shall not affect any requirement to comply with local water quality-based limitations.**

## **Item 4: TRANSFER OF ALLOCATION TO OR FROM ANOTHER FACILITY**

The General Permit allows the transfer of all or a portion of the waste load allocations to or from one or more permitted facilities in the same tributary, based on delivered pounds by the respective trading parties as listed by the Department. List the facility name, permit number, parameter (whether nitrogen or phosphorus), delivered pounds and whether the allocation is being acquired or transferred, and provide legal evidence of the exchange that lists the parties involved, the parameter in question and the load allocation (in delivered pounds) to be exchanged for each of the calendar years for which the contract will be in effect. **Note that the acquisition and transfer of waste load allocations shall not affect any requirement to comply with local water quality-based limitations.**

## **Item 5: REQUIREMENT TO OFFSET DELIVERED LOADS FROM NEW AND EXPANDING FACILITIES (if applicable):**

**Attach to the registration statement the applicable plan for offsetting new or increased delivered total nitrogen and delivered total phosphorus loads. Waste load allocations sufficient to offset projected nutrient loads must be provided for period of at least five years.**

An owner or operator of a facility authorized by a Virginia Pollutant Discharge Elimination System permit first issued before July 1, 2005, that expands his facility to discharge 40,000 gallons or more per day from a sewage treatment work, or an equivalent load from an industrial facility, shall demonstrate to the Department that he has acquired waste load allocations sufficient to offset any increase in his delivered total nitrogen and delivered total phosphorus loads resulting from any expansion beyond his permitted capacity as of July 1, 2005. Offset calculations shall address the proposed discharge that exceeds:

- The applicable waste load allocation assigned to the facility in this general permit, for expanding significant dischargers with a wasteload allocation listed in Subsection C of Sections 50, 60, 70, 110 and 120 of the Water Quality Management Planning Regulation (9 VAC 25-720), and
- The permitted design capacity for all other expanding dischargers. **Contact DEQ for a determination of your facility's permitted design capacity.**

An owner or operator of a facility authorized by a Virginia Pollutant Discharge Elimination System permit first issued on or after July 1, 2005, to discharge 40,000 gallons or more per day from a sewage treatment work, or an

equivalent load from an industrial facility, shall demonstrate to the Department that he has acquired waste load allocations sufficient to offset his delivered total nitrogen and delivered total phosphorus loads.

Any owner or operator of a facility treating domestic sewage authorized by a Virginia Pollutant Discharge Elimination System permit with a discharge greater than 1,000 gallons per day up to and including 39,999 gallons per day that has not commenced the discharge of pollutants prior to January 1, 2011, shall demonstrate to the Department that he has acquired waste load allocations sufficient to offset his delivered total nitrogen and delivered total phosphorus loads.

An owner or operator of multiple facilities located in the same tributary, who desires to aggregate the mass load limits of these facilities when registering for coverage under this general permit, that undertakes construction of new or expanded facilities, shall be required to acquire waste load allocations sufficient to offset any increase in delivered total nitrogen and delivered total phosphorus loads resulting from any expansion beyond the aggregate mass load limit assigned these facilities.

**Acquisition of allocations may be achieved by one or a combination of the following:**

- Acquisition of all or a portion of the waste load allocations from one or more permitted facilities, based on delivered pounds by the respective trading parties as listed by the Department;
- Acquisition of nonpoint source load allocations, using a trading ratio of two pounds reduced for every pound to be discharged, through the use of best management practices, subject to the requirements of Part II.B.1.b. of the General Permit, and included as conditions of the facility's individual Virginia Pollutant Discharge Elimination System permit;
- Until such time as the Board finds that no allocations are reasonably available in an individual tributary, acquisition of allocations through payments made into the Virginia Water Quality Improvement Fund established in § 10.1-2128; or
- Acquisition of allocations through such other means as may be approved by the Department on a case-by-case basis, and may be included as conditions of the facility's individual Virginia Pollutant Discharge Elimination System permit.

**Item 6: CERTIFICATION**

All registration statement shall be signed as follows:

1. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
2. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
3. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.